

AMENDED IN SENATE MAY 15, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1228**

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**Introduced by Assembly Member Dutton**

February 21, 2003

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An act to add Section 65850.3 to the Government Code, relating to zoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1228, as amended, Dutton. Zoning ordinances: radio antennas.

Existing law authorizes the legislative body of any county or city to adopt zoning ordinances for various purposes.

This bill would require that any ordinance adopted by the legislative body of a city or county that regulates amateur radio station antenna structures not preclude amateur radio service communications, reasonably accommodate amateur radio service communications, allow amateur radio station antenna structures to be erected at heights and dimensions sufficient to accommodate amateur radio service communications, and constitute the minimum practicable regulation to accomplish the legitimate purpose of the city or county. *It would declare that it is the intent of the Legislature in enacting this bill to comply with specified federal regulations relating to amateur radio station facilities.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 65850.3 is added to the Government Code, to read:

65850.3. Any ordinance adopted by the legislative body of a city or county that regulates amateur radio station antenna structures shall ~~do all of the following:~~

~~(a) Not preclude amateur radio service communications.~~

~~(b) Reasonably accommodate amateur radio service communications.~~

~~(c) Allow amateur radio station antenna structures to be erected at heights and dimensions sufficient to accommodate amateur radio service communications.~~

~~(d) Constitute the minimum practicable regulation to accomplish the legitimate purpose of the city or county; allow those structures to be erected at heights and dimensions sufficient to accommodate amateur radio service communications, shall not preclude amateur radio service communications, shall reasonably accommodate amateur radio service communications, and shall constitute the minimum practicable regulation to accomplish the city or county's legitimate purpose.~~

*It is the intent of the Legislature in adding Section 65850.3 to the Government Code, to comply with Section 97.15 of Title 47 of the Code of Federal Regulations, which expresses the Federal Communications Commission's limited preemption of local regulations governing amateur radio station facilities.*